

II. REQUIREMENT FOR TERMINAL DISCLAIMER

Claims 33-59 are rejected for obviousness type double patenting over claims 1-8 of U.S. Patent No. 6,258,386, which is commonly owned by the present applicant. In response, the applicant hereby submits a terminal disclaimer. It is believed that the terminal disclaimer overcomes the double patenting rejection.

III. REJECTION OF CLAIMS IN VIEW OF MA ET AL (6,593,301)

Claims 33-59 are rejected under 35 U.S.C. Section 102(a) and (e) as anticipated by or, in the alternative, under 35 U.S.C. Section 103(a) as obvious over Ma et al. (U.S. Patent No. 6,593,301) (hereinafter "Ma"). Applicant believes that the Ma patent should not have been applied as a reference because the present application claims an earlier priority date than the date to which the Ma patent is entitled. Specifically, the face of the Ma patent shows that Ma claims priority from application no. PCT/CN98/00204, filed September 28, 1998.

The present application claims an earlier priority date. Specifically, as shown in the declaration submitted in this application, the present application claims priority from the following foreign applications:

GB9806513.9	Great Britain	26.March.1998
-------------	---------------	---------------

GB9905275.5	Great Britain	08.March 1999
-------------	---------------	---------------

Although applicant believes that a copy of the priority applications should be available to United States Patent & Trademark Office as part of the International Application and the processing and subsequent national stage filing of the international application, applicant nevertheless encloses copies of the two priority documents for the Examiner's reference.

The earliest priority document is application GB9806513.9 filed 26.March.1998. The copy of that application being submitted herewith is stamped on the front PCTGB99/00960.

That priority document supports the claims presented. For example, page 1 of the application list the various diseases and conditions recited in claims 36-46, and 48-57. The use of smilagenin and sarsasapogenin to treat those diseases and conditions is disclosed on page 9.

The use of anzurogenin-D is specifically referenced in priority document GB9905275.5 on page 13, table 2. The Ma patent does not mention anzurogenin-D.

CONCLUSIONS

The Terminal Disclaimer submitted overcomes the obviousness type double patenting rejection. Additionally, as demonstrated by the copies of the priority documents enclosed, the present application is entitled to a priority date which precedes the effective date of any corresponding disclosure in the Ma reference. Applicant therefore respectfully submits that all claims in the application are allowable over the cited Ma reference. Notice of Allowance is earnestly solicited.

The undersigned attorney can be reached at 310-824-5555 to facilitate prosecution of this application, if necessary.

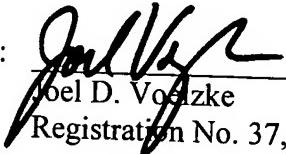
No fees are seen as being necessary in connection with this paper. However, if any fees are due the Commissioner is authorized to charge such fees to Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

DATED: March 29, 2004

By:


Joel D. Voszke
Registration No. 37,957

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

JDV/lm
47398.1